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Docket: 7164.01
TECH CENTER 1600/2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric Henderson et al.

Serial No.: 09/574,519

Examiner: Fredman, J.

Filing Date: May 18, 2000

Group Art Unit: 1655

Title: Method and Apparatus for Solid State Molecular Analysis

AMENDMENT AND REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed September 14, 2000, the Examiner required restriction of the claims to one of the following groups:

- Group I: Claims 1-39, drawn to methods of making arrays, classified in class 536, subclass 25.3;
- Group II: Claims 40-55 and 66, drawn to methods of detection on arrays, classified in class 435, subclass 4; and
- Group III: Claims 56-65, drawn to arrays, classified in class 536, subclass 350.

I hereby certify that the document is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington,
D.C. 20231 on

October 12, 2000

(Date of Deposit)

Molly Chlebeck

(Name)

Molly Chlebeck

Signature

Applicant provisionally elects Group III with traverse. The provisionally elected Group III contains independent claim 56 and dependent claims 57-65. Applicant reserves the right to continue to pursue the canceled and non-provisionally elected claims.

The Examiner stated that Group I and Group III are related as process of making and product made. The inventions are distinct if either of the following can be shown: (1) the process can be used to make another materially different product or (2) that the product as claimed can be made by another and materially different process. MPEP § 806.05(f). The Examiner does not claim that the process can be used to make another materially different product. The product as claimed cannot be made by the alternative methods as stated by the Examiner. The product as claimed has deposition domains as smaller or smaller than 1 micron, which can not be made by using a mask or by chemical synthesis. Furthermore, these alternative methods do not allow the deposition of larger chain macromolecules, such as the present invention method allows.

It is believed that no fees are associated with this communication. However, the Office is hereby authorized to charge any fee deficiencies, or credit any overpayment, to Deposit Account 04-1420.

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In the event the Examiner believes that a telephone interview with the undersigned would be of assistance in expediting the prosecution of this application, he is respectfully requested to telephone the undersigned at the number indicated below.

Respectfully submitted,

Date: 10/12/2000

By Scott A. Marks

Scott A. Marks, Esq.
Registration No. 44,902
Dorsey & Whitney LLP
Pillsbury Center South
220 South Sixth Street
Minneapolis, Minnesota 55402
Telephone: (612) 752-7314
Attorney for Applicant